



FREMONT PLANNING BOARD

November 5, 2008

Meeting Minutes

Approved November 19, 2008

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, John (Jack) Downing, Selectman Gene Cordes, Member Leon Holmes, Jr., Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

MINUTES

Mr. Downing made the motion to approve the minutes of the September 24, 2008 meeting as written.

Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Holmes who abstained as he was not present at that meeting.

Mr. Holmes made the motion to approve the minutes of the October 15, 2008 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote except for Mr. Barham who abstained as he was not present at that meeting.

Mr. Karcz made the motion to approve the minutes of the October 22, 2008 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote except for Mr. Holmes who abstained as he was not present at that meeting.

December Meeting Dates

Due to upcoming holiday schedules the Members decided not to meet on November 26 or December 24, 2008. They will meet on November 19, December 3 and 17, 2008.

RPC CIRCUIT RIDER CONTRACT

The Board received a copy of a November 4, 2008 correspondence from Town Administrator Heidi Carlson to RPC noting the payment of \$5,000 representing the second payment on the 2008 Circuit Rider Planning Services contract.

INCLUSIONARY HOUSING ORDINANCE

Mr. West reported that the original plan was to apply to CTAP for funding for assistance to create an Inclusionary Housing Ordinance. However, he apologized that he has not submitted the application as the Board directed early in October and now there is not enough time to get something done in time for the 2009 Town Meeting. The impact of delay is that the new

workforce housing goes into effect on July 1, 2009 and the Town will not have an Inclusionary Housing Ordinance in place for this year. He added that many towns will be in the same situation and not have the ordinance in place this year. Mr. Barham said he feels that the application should be put forth to draft the Inclusionary Housing Ordinance for inclusion in the 2010 Town Warrant. It was agreed that time needs to be taken preparing the ordinance in order to get it right. Mr. West said that the amount to apply for is between \$4,000 and \$6,000 and he agreed to submit the application immediately.

MASTER PLAN

Water Resource section of the Natural Resource Inventory Chapter

TARGETED BLOCK GRANT (TBG)

Mr. West said that he will submit the contract for the 2008 RPC TARGETED BLOCK GRANT (TBG) grant for the creation of a Water Resource section of the Natural Resource Inventory Chapter of the Master Plan to Mrs. Bolduc before the next meeting. The application will need to be signed by the Chairmen of the Conservation Commission and Board of Selectmen and returned to RPC.

Transportation Chapter

Mr. West is working on the Transportation Chapter of the Master Plan. The status of each road and street will be discussed at the next meeting.

Land Use Chapter

There was a conversation relative to the Land Use Chapter of the Master Plan and whether it is ready for Public Hearing. Mr. West agreed to review it one more time and submit it to the Board on November 19, 2008 for their review in preparation to sending it to Public Hearing..

Natural Hazards Mitigation Plan

Mr. West agreed to send a draft of the update to the Natural Hazards Mitigation Plan for the Board to review in preparation to sending it to Public Hearing. The plan is to move this and the Land Use Chapter on to Public Hearing for approval.

JIM PHELPS

Map 3 Lot 037-3

Present: Jim Phelps of ASCA, Inc, Owner John Wilder, Abutter Tom Nesbit

At 7:35 pm Mr. Phelps met with the Board relative to the permitted use of the property at Map 3 Lot 037-3, which he is thinking of purchasing. Mr. Phelps related that he owns a small company that manufactures architectural sun control building components such as canopies, climate control facades, monumental venetian blinds, kinetic systems and architectural metal. He explained that the metal for the produce (aluminum extrusions and plate) is pre-cut and is put together at the site. The process includes cutting, welding to create panels, drilling, punching, cleaning and crating for shipping. Mr. Phelps said that onsite equipment includes a truck and flatbed and that tractor-trailer traffic would be minimal. In answer to questions by the Board Mr. Phelps stated that there would be no environmental or air quality issues and that painting and coating will not be done on the site.

Mr. Phelps said that the first purpose of this meeting is to identify if what he manufactures will be permitted at the site. The secondary purpose is to find out if there are additional local benefits, tax etc. and find out more about the Fremont requirements are. He needs 10,000 sf for the shop and 3,000 to 4,000 sf of office space along with associated parking.

Mr. Phelps related that has a shop and office in California and he is looking to create a shop in NH with 7 office employees so they can operate on both the East and West coasts.

Mr. Roy stated that the lot is already pre-approved for light manufacturing and for more than Mr. Phelps is requesting. He felt the plan is flexible and would fit in Fremont, but wanted the plan to be brought before the Board so that everyone knows what is going on with the property. It was noted that there are some requirements of the approved site plan for an architecturally pleasing design. Mr. Phelps said that he would want the same thing. He said that he would not be adverse to having the cupolas as well as landscaping.

Mr. Phelps showed a drawn plan which depicted a building to include office space, manufacturing shop and associated parking. The Members agreed that this fits well with the vision of the area and would be a welcome addition to the town.

There was a conversation relative to sprinklers for any commercial buildings on the lot. Mr. Roy stated that the site is designed and committed for sprinklers. Mr. Phelps said that he understands that he would need to come before the Planning Board for any modifications and it was agreed that a change to the approved site plan would need the site plan amendment process.

Mr. Phelps asked for clarification regarding the site / building access for fire apparatus and emergency equipment and the Board suggested he contact Fremont Fire Chief, Rick Butler to discuss his questions and find out what would be satisfactory to the Fire Department's needs.

There was a discussion relative to pervious vs impervious surface. There was also a conversation relative to the maximum occupied percentage (30%) for a lot. Mr. West read Article IV section V of the Zoning Ordinance relative to the 30% area calculation. It was agreed that the plan already included a gravel perimeter. Mr. Roy said that dust control may be necessary and Mr. Phelps saw no problem with that. The sentiment of the Board was to be quite literal it was noted that relief from the 30 % limit may be requested through an application for an area variance to the Fremont Board of Adjustment.

Mr. Phelps requested a letter from the Board indicating that the manufacturing process as described would be an allowed use. The Board agreed to get a letter out to him relative to his questions and issues. Mr. Nesbit requested a copy of the letter.

Mr. Wilder stated that he had no concerns about anything he has heard tonight. Mr. Nesbit said that he thinks this would be a business that would fit in with the area and he would like to see any revised plans.

Mr. Cordes thanked Mr. Phelps for coming in and stated that he receives this request as a positive for this area. The Board agreed. Mr. Nesbit had no additional comments. Mr. Phelps

thanked the Board; he and Mr. Wilder and Mr. Nesbit left the meeting at 8:35 pm.

MICHAEL SEECAMP

Map 2 Lot 141

Present: Owner Mark Lagasse, Michael Seekamp, CWS of Seekamp Environmental, James Antonopoulos, John Hargreaves, PE; and Attorney Theodore Xenakis.

At 8:35 pm Mr. Seekamp said they were meeting with the Board to clarify the status of the property at Map 2 Lot 141. He showed a drawn plan of the property. He said that the property has a history of a prior gravel operation where the previous owner did not do the required excavation reclamation, there are 2 areas of wetlands, there has been some washout across Rt 107, flooding on the site and the road. Mr. Seekamp said that they are trying to figure out the best way to move forward to satisfy the Town and NH DES rules. Mr. Seekamp said that in his opinion the low area was created from over-excavation.

Mr. Karcz pointed out that there is a prime wetland on the property. The prime wetland map was consulted and it was determined that the Red Brook area is a prime wetland. There was a conversation relative to mitigation and Mr. Roy said that if they were able to mitigate the wetland and move it they would need DES approval. He explained the wetland setbacks as per Fremont's zoning regulations. Mr. Seekamp speculated that if they got permission from DES to move the wetland there would be no setback issue.

Mr. Roy said that the place to start is with the State of NH Wetlands Board. It was noted that to mitigate the wetlands, either by fees or building another wetland on the site, the owners would first go to the Conservation Commission, then to the State.

Mr. Lagasse stated that he wants to use the site for storage for earth and material. There would be a building and equipment, a 500 gallon off-road tank, but no underground tanks. Mr. Cordes said that he would be concerned if the materials stored were of dubious origin. Mr. Lagasse said that they would like to bring in boulders, crush them and haul them off the site. This site would be used 5 days a week, they would like to process the material on site, but that is not something that they need to do. It was noted that the Planning Board could not work with Site Plan unless the property is zoning compliant.

Mr. Cordes said that it would be helpful to hear what Mr. Lagasse would really like to do with the property. He suggested that Mr. Lagasse put on paper what he proposes for the property and come up with a plan where the wetlands get addressed and the site gets restored so it would be a win win situation. Mr. Cordes said that if Mr. Lagasse wants to pursue the commercial building, he has elevation and wetland issues and will need to go before the Conservation Commission.

Attorney Xenakis asked about the status of the court order that was previously given for the property and was given a copy of it. There was a conversation relative to the order.

Mr. Seekamp said that they would modify the site plan the plan, take it to the Conservation Commission and then to NH DES for direction. He thanked the Board and the parties left the meeting at 9:30 pm.

CONSERVATION COMMISSION ZONING ORDINANCE; NH RSA 36-A: 4-a

Mr. Karcz presented the change in the provision of RSA 36-A that authorizes Town Conservation Commissions to make contributions from their conservation funds to “qualified organizations” for acquisition of property interests (fee or easement) held by the organizations, and/or transaction costs related to these purchases. He reported that the Conservation Commission has voted to move this forward for inclusion in the 2009 Town Meeting Warrant. The warrant article changes are specified in RSA 36-A and must be passed after January 1, 2009 to be effective.

Mr. Karcz related that this ordinance would give the Conservation Commission the ability to support land protection projects by giving money to a qualified organization (such as a land trust) without taking a property interest. Without this article the Conservation Commission will not be able to fund the transaction costs of a Conservation Easement if the fee or easement was not to be held by the Town, such as in the case of the recently approved Anderson easement where Rockingham County Conservation District (RCCD) are the primary holders of the Easement and the Town is the executory interest holder.

Mr. Downing made the motion to send to the Selectmen the following Article to put before the voters at the 2009 Town Meeting: *Shall the Town vote to adopt the provisions of RSA 36-A-4-a, I (b) to authorize the Conservation Commission to expend funds for contributions to qualified organizations for the purchase of the property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the Town will retain no interest in the property.*

Motion seconded by Mr. Holmes with unanimous favorable vote.

GOVERNOR’S FOREST

Map 3 Lot 002

Mr. Barham reported that the Board has received a copy of an October 30, 2008 correspondence from the Selectmen to Martin Ferwerda stating that they have not received a valid letter of credit for Governor’s Forest and advising him that since his bond has lapsed all of his permits are null and void. He was further advised that all activity, including excavation, is suspended until such time as the bond is up to date and on file with the Selectmen’s Office.

JIM PHELPS

Map 3 Lot 037-3

Mr. Downing made the motion to send Mr. Phelps a letter to confirm the Boards the status of the property at Map 3 Lot 037-3.

Mr. Karcz seconded the motion with unanimous favorable vote.

CORRESPONDENCE

1. A copy of an October 30, 2008 correspondence from the Selectmen to Peter Bearse requesting his resignation as a representative of Fremont to the Rockingham Planning Commission due to his non-residential status.

2. A copy of an October 27, 2008 correspondence from Robert Talon of NH DOT to Charles and Linda Forsythe of 32 Brentwood Road (Map 2 Lot 125) requiring the immediate removal of numerous vehicles and materials from the limits of the State Right of Way.

BONDING OF COMMERCIAL SITES

Mr. Roy suggested that the Board may want to consider bonding commercial sites through Site Plan Review. It was agreed that improvements should be bonded moving forward for sites in the future.

Mr. Karcz made the motion to adjourn at 10:00 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Land Use AA/Recording Secretary